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EXAMINER	
HOM, SHICK C	

ART UNIT	PAPER NUMBER
2666	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/583,695	TASKER, MICHAEL E.
	Examiner	Art Unit
	Shick C Hom	2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/12/04 have been fully considered but they are not persuasive.

2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the user being given an outside line once the virtual communication session has been established, as argued in page 8 lines 9-18; and that the virtual presence being indicated by an off-hook indicator rather than by an active communications session indicator as argued in page 8 line 19 to page 9 line 2) are not clearly recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, Dowling et al. in col. 11 lines 42-55 which recite the user being provided by the PBX an outside line once the user has dialed a nine clearly reads on routing a telephone call placed at a remote telephone outside the PBX while the off-hook indicator is active. In page 9 lines 3-8, applicant argued that

Dowling does not show a local PSTN link is not persuasive because Dowling et al. in col. 11 lines 24-41 recite the network interface being coupled to the PSTN.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2, 4-6, 8-18, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling et al. (6,574,239) in view of Christie, IV (6,430,176).

Regarding claim 1:

Dowling et al. disclose the method for maintaining a virtual presence of a first remote telephone user in a PBX system having a frame relay network connection between two endpoint routers while permitting the first remote user to make local calls (see Fig. 5 which shows maintaining a virtual session 540 while establish a second connection 520 and resuming the maintained session later 530; further col. 1 lines 15-45 and

col. 2 lines 48-65 recite the use of a PBX, the phone calls, the packet switched network, i.e. a form of frame relay, and routers), the method comprising: routing a telephone call placed at a remote telephone in accordance with a defined protocol outside the PBX while the off-hook indicator is active (see col. 11 lines 42-55 which recite providing an outside phone line to the user, i.e. outside the PBX).

Regarding claim 10:

Dowling et al. disclose the private branch exchange (PBX) conditioning apparatus for use in an endpoint router having a local public switched telephone network (PSTN) connection and a voice-equipped frame relay network connection (see Fig. 5 which shows maintaining a virtual session 540 while establish a second connection 520 and resuming the maintained session later 530; further col. 1 lines 15-45 and col. 2 lines 48-65 recite the use of a PBX, the phone calls, the packet switched network, i.e. a form of frame relay, and routers), the apparatus comprising: a mechanism for selectively routing a telephone call placed at a PBX-connected telephone to the local PSTN outside the PBX while the off-hook indicator is active (see col. 11 lines 42-55 which recite providing an outside phone line to the user, i.e. outside the PBX).

Regarding claim 14:

Dowling et al. disclose the Private branch exchange (PBX) conditioning apparatus for use in an endpoint router having a local public switched telephone network (PSTN) connection and a voice-equipped frame relay network connection (see Fig. 5 which shows maintaining a virtual session 540 while establish a second connection 520 and resuming the maintained session later 530; further col. 1 lines 15-45 and col. 2 lines 48-65 recite the use of a PBX, the phone calls, the packet switched network, i.e. a form of frame relay, and routers), the apparatus comprising: means for selectively routing a telephone call placed at a PBX-connected telephone to the local PSTN outside the PBX while the off-hook indicator is active (see col. 11 lines 42-55 which recite providing an outside phone line to the user, i.e. outside the PBX).

Regarding claim 18:

Dowling et al. disclose the computer-readable medium containing a program for maintaining a virtual presence of a first remote telephone user in a PBX system having a frame relay network connection between two endpoint routers while permitting the first remote user to make local calls (see Fig. 5 which shows maintaining a virtual session 540 while establish a second connection 520 and resuming the maintained session later 530; further col. 1 lines 15-45 and col. 2 lines 48-65 recite the use

of a PBX, the phone calls, the packet switched network, i.e. a form of frame relay, and routers), the program comprising: instructions for routing a telephone call placed at the remote telephone in accordance with a defined protocol outside the PBX while the off-hook indicator is active (see col. 11 lines 42-55 which recite providing an outside phone line to the user, i.e. outside the PBX).

Regarding claims 4, 20:

Dowling et al. disclose wherein said telephone call-routing is to a public switched telephone network (PSTN) local to the remote telephone (see col. 11 lines 24-55).

Regarding claim 5:

Dowling et al. disclose wherein said telephone call-routing is to another remote telephone user at the same site within the PBX system as the first remote telephone user (see col. 11 lines 24-55).

Regarding claim 6:

Dowling et al. disclose wherein said call-routing to another remote same-site telephone user is performed by a router having the public switched telephone network (PSTN) local to the remote telephone and wherein said PSTN is used in said call-routing (see col. 11 lines 24-55).

Regarding claim 8:

Dowling et al. disclose forwarding an incoming call directed to the remote telephone to a voice mailbox generally from a time when said transmitting occurs to a time when said removing occurs (see col. 8 line 34 to col. 9 line 14).

Regarding claim 9:

Dowling et al. disclose indicating in response to an incoming call directed to the remote telephone that the telephone is busy generally from when said off-hook indicator is transmitted to when said off-hook indicator is removed (see col. 23 line 65 to col. 24 line 19).

Regarding claims 11, 15:

Dowling et al. disclose wherein said routing mechanism is responsive to a predefined dialing sequence received from the PBX-connected telephone (see col. 11 lines 24-55).

Regarding claims 12, 16, 21:

Dowling et al. disclose the mechanism for alternatively routing the telephone call placed at the PBX-connected telephone to a same site PBX-connected telephone (see col. 11 lines 24-55).

Regarding claim 13, 17:

Dowling et al. disclose wherein said transmitting and signaling mechanisms are operatively coupled to a PBX station interface associated with the PBX (see col. 11 lines 24-55).

Regarding claims 1, 2, 10, 14, and 18:

Dowling et al. did not teach generating an off-hook indicator and transmitting the indicator to the PBX; and detecting when the routed telephone call is terminated: and removing the off-hook indicator from the PBX upon detection of termination and that the PBX-connected telephone again is capable of receiving calls wherein the signaling mechanisms including software instructions executed by a processor modify one or more interface status in the PBX as in claims 1, 10, 14, and 18.

Dowling et al. did not teach wherein transmitting and removing are performed by in-band signaling as in claim 2.

Christie, IV from the same or similar fields of endeavor teach that it is known to provide the step of generating an off hook indicator and transmitting the indicator to the PBX; and detecting when the routed telephone call is terminated: and removing the off-hook indicator from the PBX upon detection of termination and that the PBX-connected telephone again is capable of receiving calls wherein the signaling mechanisms including software instructions executed by a processor modify one or more interface status in the PBX (see col. 7 line 60 to col. 8 line 31, Fig. 6c, and col. 10 lines 27-36); wherein transmitting and removing are performed in-band signaling (see

col. 5 lines 30-39). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step of generating an off-hook indicator and transmitting the indicator to the PBX; and detecting when the routed telephone call is terminated: and removing the off-hook indicator from the PBX upon detection of termination and that the PBX-connected telephone again is capable of receiving calls wherein the signaling mechanisms including software instructions executed by a processor modify one or more interface status in the PBX; wherein transmitting and removing are performed in-band as taught by Christie, IV in the method and apparatus of Dowling et al. The step of generating an off hook indicator and transmitting the indicator to the PBX; and detecting when the routed telephone call is terminated: and removing the off-hook indicator from the PBX upon detection of termination and that the PBX-connected telephone again is capable of receiving calls wherein the signaling mechanisms including software instructions executed by a processor modify one or more interface status in the PBX; wherein said transmitting and removing are performed in-band signaling can be implemented by providing the software for call connection and termination through the PSTN on a PBX of Christie IV in server of Dowling et al. The motivation for providing the

step of generating an off hook indicator and transmitting the indicator to the PBX; and detecting when the routed telephone call is terminated: and removing the off-hook indicator from the PBX upon detection of termination and that the PBX-connected telephone again is capable of receiving calls wherein the signaling mechanisms including software instructions executed by a processor modify one or more interface status in the PBX; wherein transmitting and removing are performed in-band signaling as taught by Christie IV in the server of Dowling et al. being that it provides the desirable added feature of being able to simultaneously establish voice and data (multimedia) communications in the telecommunication infrastructure of Dowling et al.

5. Claims 3, 7, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling et al. (6,574,239) in view of Christie, IV (6,430,176) and further in view of Foodeei et al. (6,445,696).

For claims 3, 7, and 19 Dowling et al. in view of Christie IV disclose the method and computer-readable medium as described in paragraph 4 of this office action.

Dowling et al. in view of Christie IV disclose all the subject matter of the claimed invention with the exception of

wherein said in-band signaling is in accordance with an FRF.11 or VToA AAL2 voice over packet protocol as in claims 3, 19; and use of the FRF.11 or VToA AAL2 voice over packet trunk connection as in claim 7.

Foodeei et al. from the similar fields of endeavor teach that it is known to provide in-band signaling being in accordance with an FRF.11 or VToA AAL2 voice over packet protocol; and use of the FRF.11 or VToA AAL2 voice over packet trunk (col. 2 line 40 to col. 3 line 17). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the in-band signaling being in accordance with an FRF.11 or VToA AAL2 voice over packet protocol; and use of the FRF.11 or VToA AAL2 voice over packet trunk as taught by Foodeei et al. in the method and computer-readable medium of Dowling et al. in view of Christie IV. The motivation for using VToA AAL2 voice over packet protocol and trunk as taught by Foodeei et al. in the method and medium of Dowling et al. in view of Christie IV being that it provides lower development cost due to use of popular and existing standard protocol and trunk in the implementation of the method and medium of Dowling et al. in view of Christie IV.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH